

JEAN E. WILLIAMS, Deputy Assistant Attorney General  
 SETH M. BARSKY, Section Chief  
 MEREDITH L. FLAX, Assistant Section Chief  
 DAVIS A. BACKER, Trial Attorney (CO Bar No. 53502)  
 United States Department of Justice  
 Environment & Natural Resources Division  
 Wildlife & Marine Resources Section  
 Ben Franklin Station  
 P.O. Box 7611  
 Washington, DC 20044-7611  
 Tel: (202) 514-5243  
 Fax: (202) 305-0275  
 E-mail: davis.backer@usdoj.gov

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,	)	No. 4:19-cv-02843-PJH
et al.,	)	
	)	
Plaintiffs,	)	DEFENDANTS' STATUS
	)	REPORT
v.	)	
	)	
DAVID BERNHARDT, in his official	)	
capacity as Secretary of the United	)	
States Department of the Interior, et al.,	)	
	)	
Defendants.	)	

Defendants, David Bernhardt, in his official capacity as Secretary of the United States Department of the Interior, and Margaret Everson, in her official capacity as Principal Deputy Director of the U.S. Fish and Wildlife Service ("FWS") provide this status update pursuant to the Court's September 4, 2019 Order:

1. Plaintiffs filed their Complaint on May 23, 2019. ECF No. 1.

- 1 2. Defendants filed their Answer to Plaintiffs' Complaint on August 29, 2019. ECF No. 21.
- 2 3. On September 3, 2019, Defendants filed an unopposed motion to stay proceedings until  
3 October 31, 2019 after the parties reached an agreement in principle to resolve the claims  
4 in this case without the Court's further involvement. ECF No. 22. The Court granted  
5 Defendants' unopposed motion to stay on September 4, 2019. ECF No. 23.
- 6 4. On September 27, 2019, FWS submitted its annual candidate notice of review ("CNOR")  
7 to the Office of the Federal Register for publication. The CNOR was published several  
8 days later on October 10, 2019, which included 12-month findings for the Sierra Nevada  
9 Red Fox, Red Tree Vole, Hermes Copper Butterfly, Puerto Rican Harlequin Butterfly,  
10 Marron Bacora, Longfin Smelt, and Gopher Tortoise in which FWS found that these  
11 species were warranted for listing under the Endangered Species Act ("ESA") but were  
12 precluded due to higher priority actions.
- 13 5. On October 7, 2019, FWS submitted a separate 12-month finding for the Berry Cave  
14 Salamander in which FWS found that it was not warranted for listing under the ESA. 84  
15 Fed. Reg. 53,336.
- 16 6. FWS is in the final stages of review to submit further updated 12-month findings for the  
17 Hermes Copper Butterfly and Sierra Nevada Red Fox.
- 18 7. Currently, the parties are continuing to finalize the terms of their settlement agreement  
19 and obtain the necessary approvals. In the meantime, should the parties fail to reach final  
20 agreement or obtain the necessary approvals, the Court may choose to assign a date for a  
21 Case Management Conference and the parties shall provide a joint case management  
22 statement seven days in advance under Civil Local Rule 16-9.  
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1 Dated: October 29, 2019

Respectfully submitted,

2  
3 JEAN E. WILLIAMS,  
4 Deputy Assistant Attorney General  
5 SETH M. BARSKY, Chief  
6 MEREDITH L. FLAX, Assistant Section Chief

/s/ Davis Backer

7 DAVIS A. BACKER, Trial Attorney  
8 CO Bar No. 53502  
9 U.S. Department of Justice  
10 Environment & Natural Resources Division  
11 Wildlife & Marine Resources Section  
12 Ben Franklin Station. P.O. Box 7611  
13 Washington, DC 20044-7611  
14 Phone: (202) 514-5243  
15 Fax: (202) 305-0275  
16 Davis.backer@usdoj.gov

*Attorneys for Federal Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2019, I electronically filed the foregoing Status Update with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Davis Backer

DAVIS A. BACKER

Trial Attorney (CO Bar No. 53502)

United States Department of Justice

Environment & Natural Resources Division

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